IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 197 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMJIBHAI ARYABHAI VASAVA

Versus

MULJIBHAI JAMIABHAI VASAVA

Appearance:

MRS SANGEETA N PAHWA for Petitioner - Absent

NOTICE SERVED for Respondent No. 1 - Absent

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE A.M.KAPADIA

Date of decision: 27/02/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

1. The applicant seeks taking of appropriate proceedings under the Contempt of Courts Act, 1971 against the respondent on the ground of non-compliance of the award made by the Labour Court, Surat, which is at Annexure `A' to the petition. That award was made on 9th March 1995 and the workman concerned was ordered to be reinstated in service with continuity within 30 days from the date of the publication of the award. The application for initiating contempt proceedings was filed on 25th January 1999 in which it was stated that despite the award, the workman was not reinstated nor were his wages paid.

2. It is a settled legal position that initiation of proceedings for contempt must take place within a period of one year from the date on which the contempt is alleged to have been committed in view of the provision of section 20 of the Contempt of Courts Act, 1971. In Om Prakash Jaishwal v. D.K.Mittal, reported in (2000) 3 SCC 171, the Supreme Court has held that section 20 strikes at the jurisdiction of the Court to initiate any proceedings for contempt and if the proceedings are not initiated within a period of one year from the date on which the contempt is alleged to have been committed, the jurisdiction to initiate any proceedings for contempt is lost.

3. In this view of the matter, there is no warrant for taking any contempt proceedings against the respondent after a lapse of nearly four years from the date of the alleged contempt. The petition is therefore rejected. Rule is discharged with no orders as to costs.

FEBRUARY 27, 2001 [R.K.ABICHANDANI, J.]

[A.M.KAPADIA, J.]

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